MS#155709.01 (4930)

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the December 1, 2005 Office action. Claims 1, 16, 17, 19, 29 and 30 have been amended and claims 2, 20 and 31 have been canceled by this Amendment D. Claims 1, 5, 6, 8-12, 14-19, 22, and 24-30 are presented by this Amendment D for further consideration. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

The subject matter of canceled claims 2 and 20 relates to detaching programs not staged. Independent claims 1 and 19 have been amended to reflect detaching.

Applicants thank the Examiner for the Response to Arguments presented in paragraphs 2-9 of the Office action. Applicants do not agree with the Examiner's response. However, in order to further the prosecution of the application, Applicants will address the remaining rejections. Applicants submit that the amended claims are in condition for allowance so that Applicants need not respond to the Response to Arguments.

The following remarks follow the sequence of the Office action.

Figure 2 of the drawings has been amended and replaced to reflect the claims so that the objection to the drawings may be withdrawn. Replacement sheet 2/3 is attached.

Claims 16, 17, 29 and 30 have been amended to comply with 35 USC 112 so that the rejection based thereon should be withdrawn.

Claims 1, 5, 6, 10, 11, 14, 15, 18, 19, 22, 25 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Harding patent (5794052) in view of the Oh patent (6189051).

Since independent claims 1 and 19 present the subject matter of claims 2 and 20 in independent form, the rejections directed to claims 2 and 20 will be addressed. Applicants submit that the remaining claims each depend from independent claims 1 or 19 so that the remaining claims are patentable for at least the same reasons as independent claims 1 and 19.

Detaching

Claim 1 has been amended to recite:

> detaching the staged programs not selected for installation by (1) deleting the files associated with the non-selected, staged programs as directed by the script or (2) by disabling the non-selected files as directed by the script.

With regard to detaching, the Examiner points to Harding at column 5, lines 11-16:

> However, with the modular method, the computer manufacturer simply installs the following modules onto the hard disk drive: the disk operating module, graphical user interface module, version A mouse device driver module, version B video card device driver module, version C word processor module, and version D spreadsheet module.

Applicants respectfully submit that this part of Harding merely relates to which modules are installed and does not address detaching, particularly detaching by deleting or detaching by disabling. In fact, Applicants submit that Harding fails to recognize detaching and teaches away from detaching. In particular, Harding teaches the only files specific to selection are downloaded in the first place so that there would be no files to detach:

> Only the files that are specific to the selection of a certain language are downloaded and kept in the compressed module format for later explosion, depending upon the user selection. Column 6, lines 61-64.

Further, Harding contemplates that any deleting would be manually done at the same time that the script and associated files are deleted.

> Once all of the module batch files are run, all of the script and FIX$FILE associated files are deleted from the hard disk drive 310, as shown in box 120, and the installed software is now properly configured for all of the installed software program modules. This process significantly reduces the time necessary for the computer manufacturer to create various new combinations of software bundles. Column 11, lines 41-48.

Such deletions occur at the end of the process and are not accomplished by executable script:

> Unlike the prior art, which deletes the non-selected foreign language modules first, the present method does not make these deletions until the end of the process. That means that so long as an operating system is in place, i.e., the factory installed subset version of DOS or the complete DOS version of the user selected language, then the computer system can be restarted, and in most situations, the end user can select another language. This is especially beneficial in the situation where the end user makes an incorrect selection. By retaining the non-selected language modules until the end, an incorrect selection can be reversed so long as the decision to restart is made while the computer system has an operational operating system in place, as shown in box 580. Otherwise, the computer system may not reboot, although using a boot disk may solve this problem. By re-booting from a disk, the end user may be able to execute a program called RESTART.EXE which runs the software installation program from the beginning. Column 14, lines 9-26.

It is noted that the Examiner admits that "Harding does not expressly disclose a script that performs *function[s] on the reference system computer according to an order in which the programs are to be staged, said order being defined by the customizable script.*" Thus, the Examiner points to Oh as teaching a set-up file. However, Oh is similarly deficient because the set up file of Oh relates to attaching only.

In summary, the Harding and Oh references, either separately or in combination, fail to teach detaching by deleting or detaching by disabling, as recited by claim 1. Claim 19 includes similar recitals. The other applied references are also deficient for the same reasons as Harding and Oh. Thus, the rejection based on 35 USC § 103 should be withdrawn.

The Invention is Not Obvious Over the Combined the Harding and Oh References

As previously pointed out in the remarks of Amendment C, Harding is deficient because of three reasons. First, Harding fails to recognize that the **staging order** is important to reduce conflicts and re-booting. Second, Harding is deficient because it fails to recognize that the **staging order** can be controlled by a user customizable script. Third, Harding is deficient because it teaches away from the invention by stating that the modules are executed in the order that they are downloaded. In addition, Harding and Oh cannot be combined and, even if combined, the combination does not render the claims obvious. Oh teaches that the setup file generating portion generates information on the order in which programs and drivers are installed as a setup file which can be executed. Combining Harding and Oh would result in a setup file specifying the modules which are executed in the order that they are downloaded. Applicants submit that this combination does not make obvious:

> defining a customizable script defining a reference system comprising a computer that has an operating system installed thereon and the programs previously staged thereon wherein the customizable script includes performing functions on the reference system computer according to an order in which the programs are to be staged, said order being defined by the customizable script....

Thus, claim 1 is not obvious over the combined references. Similarly, claim 19 is patentable. Applicants request that the Examiner cite a reference which teaches a user customizable script controlling the **staging order** or remove the rejection. Accordingly,

applicants submit that independent claims 1 and 19, and the claims depending therefrom, are patentable so that the rejection based on §103(a) should be withdrawn.

Claims 12 and 24 stand rejected under 35 USC § 103(a) as being obvious over Harding, Oh and Brown (Microsoft Windows 2000 Server Unleased). The Examiner admits that Harding does not expressly disclose a script that identifies which of the stages programs are to be detached. The Examiner argues that "Brown discloses a script with predetermined answers to installation questions." The Examiner concludes "One of ordinary skill would have been motivated to provide an unambiguous list of software that is available and that should or should not be installed." This conclusion is not supported by Brown and is based on speculation. In accordance with MPEP 706.02(j)D, the Examiner must state the basis for the motivation or withdraw the reference.

Applicants further note that the Brown reference fails to remedy the deficiencies of the Harding and Oh references, as noted above. The Brown reference is entirely silent as to the aspect of ***staging order*** a program for ***later installation*** on the destination computer by ***storing installation files*** for the programs on the destination computer as set forth in the claims. Therefore, applicants submit that the Harding, Oh and Brown references, whether considered separately or together fail to teach or suggest each and every feature of the claimed invention. Therefore, the rejection under section 103 should be withdrawn.

In light of the foregoing, Applicants submit the cited art fails to teach or suggest each and every aspect of claim 1 and 19, and the claims depending therefrom. Therefore, Claims 1, 5, 6, 8-12, 14-19, 22, and 24-30 are believed to be allowable over the cited art.

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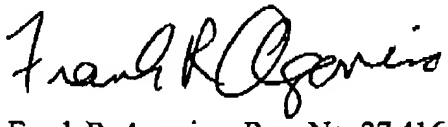
CONCLUSION

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicants do not believe that a fee is due in connection with this response. If, however, the Commissioner determines that a fee is due, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,



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